

FIRST REGULAR SESSION

# SENATE BILL NO. 500

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Read 1st time February 13, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1859S.02I

## AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to worker's compensation for public safety workers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 287, RSMo, is amended by adding thereto one new section, to be known as section 287.1000, to read as follows:

**287.1000. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".**

**2. As used in this section, unless otherwise provided, the following words shall mean:**

**(1) "Active performance of duty" for firefighters, law enforcement officers, emergency medical technicians, and paramedics shall include, but not be limited to, instances when:**

**(a) The injury is received as a result of a willful act of violence committed by a person other than the officer, firefighter, emergency medical technician, or paramedic, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, firefighter, emergency medical technician, or paramedic, regardless of whether the injury is received while the individual is on duty;**

**(b) The injury is received by the individual while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer, firefighter, emergency medical technician, or paramedic; or**

**(c) The injury is received by the individual while traveling to or**

22 from his or her employment or during any meal break, or other break,  
23 which takes place during the period in which the law enforcement  
24 officer, firefighter, emergency medical technician, or paramedic is on  
25 duty;

26 (2) "Active performance of duty" for department of corrections  
27 employees and juvenile justice authorities shall include, but not be  
28 limited to, instances when:

29 (a) The individual is within the facilities under the control of the  
30 department of corrections or the juvenile justice system;

31 (b) The individual is in the act of transporting inmates from one  
32 location to another; or

33 (c) The individual is performing any other official duty;

34 (3) "Department of corrections employee" or "juvenile justice  
35 authority", supervisors, wardens, superintendents and their assistants,  
36 guards and keepers, correctional officers, youth supervisors, parole  
37 agents, school teachers, correctional counselors, or any employee  
38 having daily contact with inmates in any facility of either the  
39 department of corrections or within the juvenile justice system;

40 (4) "Emergency medical technician", a person licensed in  
41 emergency medical care in accordance with standards prescribed by  
42 sections 190.001 to 190.245, RSMo, and by rules adopted by the  
43 department of health and senior services under sections 190.001 to  
44 190.245, RSMo;

45 (5) "Firefighter", any person, including a volunteer firefighter,  
46 employed by the state or a local governmental entity as, or otherwise  
47 serving as, a member or officer of a fire department either for the  
48 purpose of the prevention or control of fire or the underwater recovery  
49 of drowning victims;

50 (6) "Killed in the line of duty", when any individual defined in  
51 this section loses one's life as a result of injury received in the active  
52 performance of duties in his or her respective profession, if the death  
53 occurs within one year from the date the injury was received and if  
54 that injury arose from violence or other accidental cause. The term  
55 excludes death resulting from the willful misconduct or intoxication of  
56 the officer, emergency medical technician, paramedic, firefighter,  
57 juvenile justice authority or department of corrections employee. The  
58 attorney general shall have the burden of proving such willful

59 misconduct or intoxication. For juvenile justice authorities and  
60 department of corrections employees, the death shall be caused by the  
61 direct or indirect willful act of an inmate, work releasee, parolee,  
62 parole violator, person under conditional release, or any person  
63 sentenced or committed, or otherwise subject to confinement by the  
64 department of corrections or juvenile justice authorities;

65 (7) "Law enforcement officer" or "officer", any person employed  
66 by the state or a local governmental entity as a policeman, peace  
67 officer, auxiliary policeman or in some like position involving the  
68 enforcement of the law and protection of the public interest at the risk  
69 of that person's life;

70 (8) "Local governmental entity", includes counties, municipalities,  
71 and municipal corporations;

72 (9) "Paramedic", an emergency medical technician paramedic  
73 certified by the department of health and senior services of the state  
74 of Missouri;

75 (10) "State", the state of Missouri and its departments, divisions,  
76 boards, bureaus, commissions, authorities, and colleges and  
77 universities;

78 (11) "Volunteer firefighter", a person having principal  
79 employment other than as a firefighter, but who is carried on the rolls  
80 of a regularly constituted fire department either for the purpose of the  
81 prevention or control of fire or the underwater recovery of drowning  
82 victims, the members of which are under the jurisdiction of the  
83 corporate authorities of a city, village, incorporated town, or fire  
84 protection district. Volunteer firefighter shall not mean an individual  
85 who volunteers assistance without being regularly enrolled as a  
86 firefighter.

87 3. If a claim is made within one year of the date of death of a law  
88 enforcement officer, emergency medical technician, paramedic,  
89 firefighter, juvenile justice authority, or department of corrections  
90 employee killed in the line of duty, compensation shall be paid by the  
91 division of workers' compensation to the person designated by the  
92 deceased. The amount of compensation shall be one hundred thousand  
93 dollars, subject to appropriations, for deaths occurring before January  
94 1, 2009. For deaths occurring on or after January 1, 2009, the death  
95 compensation rate for death in the line of duty occurring in a

96 particular calendar year shall be the death compensation rate for a  
97 death occurring in the previous calendar year increased by a  
98 percentage thereof equal to the percentage increase, if any, in the  
99 index known as the consumer price index unadjusted, for all items, as  
100 published by the United States Department of Labor, Bureau of Labor  
101 Statistics, for the twelve months ending with the month of June of that  
102 previous calendar year.

103 4. If there is no beneficiary designated or if no designated  
104 beneficiary survives at the death of the law enforcement officer,  
105 emergency medical technician, paramedic, firefighter, juvenile justice  
106 authority, or department of corrections employee killed in the line of  
107 duty, no compensation shall be payable under this section.

108 5. No part of such compensation shall be paid to any other  
109 person for any efforts in securing such compensation.

110 6. A burial benefit of up to a maximum of ten thousand dollars  
111 shall be payable to the surviving spouse or estate of a law enforcement  
112 officer, firefighter, emergency medical technician, paramedic, juvenile  
113 justice authority, or department of corrections employee, who is killed  
114 in the line of duty on or after the effective date of this section.

115 7. Notwithstanding subsections 3 and 4 of this section, no  
116 compensation is payable under this section unless a claim is filed  
117 within the time specified under this section setting forth:

118 (1) The name, address, and title or designation of the position in  
119 which the officer, emergency medical technician, paramedic,  
120 firefighter, juvenile justice authority, or department of corrections  
121 employee was serving at the time of his or her death;

122 (2) The names and addresses of the person or persons designated  
123 by the deceased to receive the compensation, or if there has been no  
124 such designation, the name and address of the personal representative  
125 of the deceased;

126 (3) A full, factual account of the circumstances resulting in or the  
127 course of events causing the death at issue; and

128 (4) Such other information that is reasonably required.

129 When a claim is filed, the attorney general shall make an investigation  
130 for substantiation of matters set forth in the application.

131 8. The compensation provided for under this section is in  
132 addition to, and not exclusive of, any pension rights, death benefits, or

133 other compensation otherwise payable by law.

134 9. Under section 23.253, RSMo, of the Missouri Sunset Act:

135 (1) The provisions of the new program authorized under this  
136 section shall automatically sunset six years after the effective date of  
137 this section unless reauthorized by an act of the general assembly; and

138 (2) If such program is reauthorized, the program authorized  
139 under this section shall automatically sunset twelve years after the  
140 effective date of the reauthorization of this section; and

141 (3) This section shall terminate on September first of the  
142 calendar year immediately following the calendar year in which the  
143 program authorized under this section is sunset.

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Bill

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